

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

Peter John Grzeskowiak,

Plaintiff,

-vs-

Dr. Colin Fennell and Case Pro, Inc.,

Defendant.

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Case No. 2:11-cv-18

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending the complaint be dismissed with prejudice (Doc. #8). On May 20, 2011, Plaintiff filed a document stating he did not agree to the magistrate judge's participation and seeking the undersigned's removal for "prejudicial bias." (Doc. #9).

Upon consideration, Plaintiff has failed to identify any basis or facts supporting his motion for recusal. Moreover, to the extent Plaintiff's pleading can be construed as an objection to the Report and Recommendation, he has not identified any factual or legal basis for objecting to the Report and Recommendation. Plaintiff did not consent to the exercise of jurisdiction by the magistrate judge (Doc. #3); therefore, in accordance with 28 U.S.C. § 636, the magistrate judge prepared a Report and Recommendation.

The Court has now carefully reviewed the Report and Recommendation, along with the entire file, and finds that the Magistrate Judge's position is correct. Further, Plaintiff has failed to articulate any reason why the undersigned must be removed or that the magistrate judge's participation is improper. Accordingly, after a *de novo* review, the Court hereby adopts the

Report and Recommendation in its entirety. For the reasons set forth therein, Plaintiff's complaint is dismissed with prejudice. Plaintiff's motion for recusal is **DENIED**.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 27th day of May, 2011.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court